



Planning Division

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480-644-2385

# Mesa 2040 General Plan

## Major Amendment Process Guide

### Introduction

This guide assists applicants/property owners in the preparation and submittal of an application for a major General Plan Amendment pertaining to a property within the City of Mesa and its planning area.

### What is the General Plan?

The General Plan is a comprehensive document expressing community intent on a variety of items including but not limited to land use, transportation, economic development and parks and recreation. The Plan is expressed in the form of text and maps. The text includes analysis, goals, objectives, policies and plan administration. The General Plan also includes various supporting maps on character areas, transportation, growth areas, parks, recreation and open space, etc. The City of Mesa General Plan provides a vision and guide to the community's citizens, businesses, and officials as the community grows and develops in the future.

### When is an amendment necessary?

An amendment is necessary when a proposed development does not conform with the character area designation as shown in the Character Area Map (Page 7-3, Figure 7-1 of Mesa 2040 General Plan). Amendments may be necessitated by the difference between a development request and the goals of the community as stated by the Plan. All General Plan Amendment requests will be referred to the Planning Director for review of the need to amend the General Plan. A general plan amendment is needed when a proposed development would change the character type for an area as shown on the Character Area Map. The change must affect an area of 20 acres or more to be a minor amendment and 320 acres or more to be a major amendment.

### Who can initiate a general plan amendment?

Amendments to the Mesa 2040 General Plan may be initiated by the City or may be requested by private property owners. Private owner's request for amendments will be limited to changes in the character types of the Character Area Map (Figure 7-1 of Mesa 2040 General Plan).

### Amendments to the General Plan

By State Statute (ARS 9-461.06.G), a Major Amendment to the General Plan is any development proposal that would result in a change to the land use plan that would substantially alter the City's planned mixture or balance of land uses. Chapter 16, Section D, pages 16-22 describes what constitutes a major amendment in Mesa.

### Major Amendment Administrative Process

The following administrative process will be used for major amendments to the General Plan:

1. Major Amendments may be initiated by the City or may be requested by private individuals or agencies in accordance with the procedures set forth by the State Statutes.
2. Applications for major amendments shall be presented at a public hearing and considered by the Mesa City Council only at one time per calendar year.
3. All applications for major amendments must be submitted in the same calendar year they are heard.
4. A 2/3rd majority vote of the City Council is required for approval of major amendments.



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5. Each major amendment shall meet or exceed citizen participation standards set by the City of Mesa in accordance with ARS 9-461.06, including the requirement that two Planning and Zoning Board public hearings be held at different locations, prior to the City Council public hearing.
6. It shall be the burden of the applicant to prove that the amendment constitutes an improvement to the General Plan.



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### **Revisions/Amendments**

#### **Allowed at various stages during the Major General Plan Amendment process**

State statutes put some restrictions on the processing of major general plan amendments. The restrictions include:

- A requirement for a minimum 60 day period when the application can be reviewed by a wide variety of groups and agencies prior to any public hearings;
- A requirement for the Planning and Zoning Board to hold at least two public hearings on each case and make a recommendation on the application to the City Council; and,
- A requirement to have all amendments filed in one calendar year to be heard by Council at the same time during that same calendar year.

In order to meet these requirements, there are some limitations placed on the types of revisions that can be made to an application at various points in the review process and some limitations on the timing of those revisions. In order to avoid requests to make substantial changes at the end of the process in response to input received, applicants are encouraged to seek citizen and staff input and involvement early in the process. Revisions and amendments are allowed as follows:

**Prior to formal submittal** – no limitations on modifications.

**Follow-up submittal** – any changes desired in response to the input received through the public meetings.

**Following the Planning and Zoning Board special public hearing (1<sup>st</sup> P&Z hearing)** – modifications to the application that do not substantially modify the application as submitted for the 60-day review period, as determined by the Planning Director, may be submitted at this time.

**As part of the Planning and Zoning Board public hearing (2<sup>nd</sup> P&Z hearing) consideration** – the Board may request/accept modifications to the application that do not substantially modify, as determined by the Planning Director, the application as submitted for the 60-day review period.

**Between the Planning and Zoning Board hearing and the City Council hearing** – no changes may be made to the application. What is presented to the City Council must be the same as recommended by the Planning and Zoning Board.

**As part of the City Council consideration** – the Council may request/accept modifications that do not alter the proposal to the point of making it substantially different, as determined by the Planning Director, from what was considered and recommended by the Planning and Zoning Board. Typically modifications that are desired will need to be presented at the public hearing and staff will then have the opportunity to evaluate the proposed modifications and report back to the Council at a subsequent meeting before action is taken.



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### APPLICANT STEPS AND REQUIREMENTS

#### STEP 1. Pre-Filing Meeting

**Purpose:** The purpose of the pre-filing meeting is to provide the applicant with information to guide them through the entire process of a major amendment. The intent is to create an opportunity for both staff and potential applicants to discuss in detail various steps involved in the major general plan amendment process. The responsibilities of each party involved and the schedule starting from the pre-filing meeting to the Council action are clearly identified.

**Action:** Prior to a Formal Submittal for a General Plan Major Amendment to the Planning & Zoning Board/City Council a Pre-filing meeting must be held by the end of February. To schedule an appointment, contact the Planning Division- Long Range Planning at 480-644-2385.

#### Neighborhood meetings

After the pre-filing meeting with staff, at least one neighborhood input meeting is encouraged. At a minimum, the applicant should mail letters of notification to all property owners within 500' of the site including all HOA and registered Neighborhoods within one mile of the site. Provide at least two weeks of notice prior to the neighborhood meetings. Documentation (sign-in sheets, minutes, comments cards or other similar information to show a meeting was held and what was the result) of the neighborhood input meetings should be filed along with the formal submittal.

**An application that has not met all of the pre-filing requirements will not be accepted for processing.**

#### STEP 2. Formal Submittal – First Tuesday in April

Complete Package includes:

##### *General Items:*

- ☐ Application Form: Original Signatures Only. Facsimile and copies not accepted.
- ☐ Fee: [See schedule of fees and charges.](#)
- ☐ Written documentation of owner(s) authorization for Plan amendment request.
- ☐ Property ownership map and ownership list including legal description and map.
- ☐ Project narrative

##### *Written analysis for the request, including but not limited to responses to the following:*

- ☐ Does the proposed amendment constitute an overall improvement to the Mesa 2040 General Plan?
- ☐ Is the proposed amendment consistent with the intent of the Mesa 2040 General Plan and other adopted plans, policies and ordinances?
- ☐ Is the proposed amendment significantly altering existing land use patterns?
- ☐ Is the proposed amendment causing significant increased traffic on the existing roadway network?
- ☐ Will the proposed amendment degrade the health and safety of the residents?
- ☐ Is there a significant impact on public infrastructure (e.g. parks, schools, drainage, utilities, etc.)?

##### *Citizen Participation Plan and Report:*

- ☐ Plan (include all neighborhood meetings before and after the formal submittal of application)
- ☐ Report of all neighborhood meeting(s) before and after the formal submittal.



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### *Provide the following exhibits:*

- ☐ Aerial map depicting the boundary of the proposed amendment and at least two miles of surrounding area
- ☐ Land Use Map depicting the proposed amendment boundaries and proposed categories surrounded by at least two miles of Mesa 2040 General Plan Land Use Map categories
- ☐ On a single page (8.5"x11") show both land use maps (current and proposed) in color side by side
- ☐ Table showing proposed and current Mesa 2040 General Plan land use allocations in acres and percentage side by side
- ☐ Table showing potential job and housing unit calculation for each land use categories for both Mesa 2040 General Plan and proposed amendment side by side.

### *Submit in both format:*

- ☐ **Hard copies**-Four (4) hard copies of all submittal items including general items, written analysis, citizen participation plan and exhibits (land use maps preferably in color) of no larger than 11"x17" size folded into 8.5"x11" size.
- ☐ **Electronic submittal of entire application:** A complete set of all submittal items including general items, written analysis, citizen participation plan and exhibits (land use maps preferably in color) of no larger than 11"x17" size exhibit including maps and project narrative.

**If the applicant fails to provide all the required information, the application will be rejected and cannot be resubmitted until the following year.**

### **STEP 3. Inform the neighborhood**

After the formal submittal of the application at least one neighborhood input meeting is required. At a minimum, the applicant will need to mail letters of notification to all property owners within 1000' of the site including all HOA and registered Neighborhoods within one mile of the site. If necessary, staff will work with individual applicants to determine any additional notification requirements for their specific application. Staff must pre-approve the final mailing list. Provide at least 15 days of notice prior to the neighborhood meetings. Documentation (sign-in sheets, minutes, comments cards or other similar information to show a meeting was held and what was the result) of the neighborhood input meetings should be submitted with revisions to the proposal by due date.

### **STEP 4. Early site posting**

The proposed amendment site shall be posted by the applicant with a 4x4 sign informing the public that an application has been filed. The posting will include both P&Z and Council meeting dates for initial input. Staff will provide the applicant with location, number of signs and the message to be posted on them after the formal submittal.

### **STEP 5. City Council study session for initial input – late April**

Attend the Council study session for initial input.

### **STEP 6. Planning and Zoning Board meeting for initial input – April Study Session**

Attend the P&Z Board hearing for initial input



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### **STEP 7. Final Revised Submittal – 2<sup>nd</sup> Tuesday in May**

Resubmit complete application package including all revisions in the following format:

- ☐ **Hard copies**-Four (4) hard copies of complete application package including all revised-submittal items of no larger than 11"x17" size folded into 8.5"x11" size.
- ☐ **Electronic submittal of entire application:** A complete set of application package including all revised-submittal items of no larger than 11"x17" size exhibit including maps and project narrative.

### **STEP 8. Submit revised application package**

Complete revised application packages (sealed, stuffed, addressed, stamped) must be submitted to Planning Division for everyone on the pre-approved mailing list. The mailing list must be pre-approved by staff. Planning Division will send the mail including but not limited to various regional agencies and surrounding municipalities for a sixty-day review period.

### **STEP 9. Required Neighborhood meeting during sixty-day review period**

Conduct at least one neighborhood meeting during the sixty-day review period to inform and receive public input on the revised submittal based on the P&Z and Council initial input. Applicant mail letters of notification to all property owners within 1000' of the site including all HOA and registered Neighborhoods within one mile of the site. Staff has the option to request additional notification. Provide at least 15 days of notice prior to the neighborhood meetings. Documentation (sign-in sheets, minutes, comments cards or other similar information to show a meeting was held and what was the result) of the neighborhood input meetings must be submitted to staff by due date.

### **STEP 10. Planning and Zoning Board special public hearing – late August/early September**

Attend the first P&Z Board special hearing for public input and discussion

### **STEP 11. Submittal of revisions**

Last date to submit any desired revisions to the proposed plan amendment. Must be non-substantial as determined by the Planning Director and address concerns raised through public input, sixty-day review period comments and Planning and Zoning Board feedback.

### **STEP 12. Planning and Zoning Board public hearing – Regular September meeting**

Attend the second P&Z Board public hearing for input and recommendation

### **STEP 13. City Council**

Attend the City Council public hearing for input and action

**Failure to meet the due dates and submit the required materials will result in making the application void and processing stops.**



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<p>Location/address: _____</p> <p>Size: _____</p> <p>APN (s) (Assessor's Parcel #s): _____</p>		<b>Project Data</b>
<p><b>Mesa 2040 GP Current Land Use Designation (s):</b> _____</p>		
<p><b>Requested Land Use Designation (s):</b> _____</p>		
<b>Applicant</b>	<p>Name (Please Print): _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip Code: _____</p> <p>Phone: _____ Fax: _____ E-mail: _____</p> <p>Original Signature required: _____</p>	
	<p>Name (Please Print): _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip Code: _____</p> <p>Phone: _____ Fax: _____ E-mail: _____</p> <p>Original Signature required: _____</p>	
<b>Property Owner (s)</b>		
<b>Staff Use Only</b>	<p>PLN: _____</p> <p>GP Major: _____</p> <p>Zoning Case #: _____</p> <p>Presubmittal File #: _____</p> <p>Date Received: _____</p>	



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The City wishes to notify all applicants of certain rights the applicant has related to the issuance of a license. The City shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition. Unless specifically authorized, the City shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable, however this does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes. The City shall not request or initiate discussions with a person about waiving that person's rights provided to them under Arizona Revised Statutes Title 9, Chapter 7, Article 4. The requirements of A.R.S. § 9-843 may be enforced in a private civil action and relief may be awarded against the City and the court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in such an action against a municipality. A City employee may not intentionally or knowingly violate A.R.S. § 9-843 and a violation of the statute is cause for disciplinary action or dismissal pursuant to City policy. The requirements of A.R.S. § 9-834 do not abrogate the immunity provided to the City or its employees by A.R.S. § 12-820.01 or § 12-820.02.